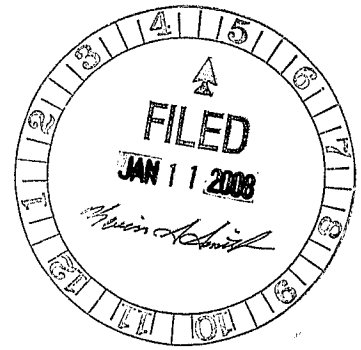


In the  
Indiana Supreme Court



IN THE MATTER OF THE )

APPROVAL OF LOCAL RULES )

FOR MARION COUNTY )

Case No. 49S00-~~001~~ -MS-39

ORDER APPROVING AMENDED LOCAL RULE

The Judges of the Marion Circuit and Superior Courts request the approval of an amended local rule for caseload allocation in accordance with Ind. Administrative Rule 1(E). Attached to this Order is the proposed amended local rule. The Presiding Judge of the Superior Court, Gerald Zore, has also requested an exemption from compliance with Administrative Rule 1 as it relates to the processing of traffic cases in Superior Court's Traffic Division, Court F13. Furthermore, the Marion County Court Administrator has also indicated that the Marion Superior Court will hire two new commissioners who will start service in 2008.

Upon examination of the proposed local rule amendment requested by the Marion Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR49-AR1(E)-302 and request for exemption of the traffic division should be conditionally approved. The proposed local rule is approved upon the condition that, as represented, two new court commissioners start service in 2008 in order to decrease the existing caseload variance between the civil and criminal courts. The exemption of the traffic division from the 40% caseload variance requirement is granted for the calendar year 2008 and will be reconsidered based on 2007 and 2008 statistics. The conditionally approved local rule, the request for exemption of the traffic division and this Order should be posted in the county clerk's office(s), on the county clerk's website, if any, and on the Indiana Judicial Website.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule LR49-AR1(E)-302 for Marion County Courts, set forth as an attachment to this Order, is conditionally approved, upon the Courts increasing the number of judicial officers by two (2) to decrease the variance between the

civil and criminal courts..

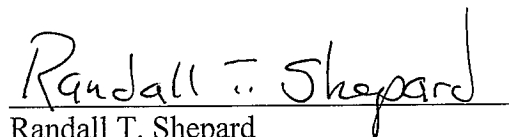
IT IS FURTHER ORDERED by this Court that the Superior Court is exempt during 2008 from complying with Administrative Rule 1 as it relates to the processing of traffic cases in Court F13.

The Clerk of this Court is directed to post a copy of the amended rule on the Indiana Judicial Website. The Clerk of this Court is further directed to forward a copy of this Order to the Hon. Theodore M. Sosin, Marion Circuit Court, 200 East Washington Street, W506, Indianapolis, IN 46204-3339; the Hon. Gerald S. Zore, Marion Superior Court, 200 East Washington Street, W541, Indianapolis, IN 46204-3307; the Hon. Robert R. Altice, Jr., Marion Superior Court, 200 East Washington Street, W241, Indianapolis, IN 46204-3322; the Hon. Cynthia J. Ayers, Marion Superior Court, 200 East Washington Street, W442, Indianapolis, IN 46204-3338; the Hon. Lisa Borges, Marion Superior Court, 200 East Washington Street, Indianapolis, IN 46204; the Hon. Linda E. Brown, Marion Superior Court, 200 East Washington Street, E608, Indianapolis, IN 46204; the Hon. Sheila A. Carlisle, Marion Superior Court, 200 East Washington Street, T401, Indianapolis, IN 46204; the Hon. Thomas J. Carroll, Marion Superior Court, 200 East Washington Street, W542, Indianapolis, IN 46204-3341; the Hon. Annie Christ-Garcia, Marion Superior Court, 200 East Washington Street, Indianapolis, IN 46204; the Hon. Barbara A. Collins, Marion Superior Court, 200 East Washington Street, E643, Indianapolis, IN 46204; the Hon. Charles Deiter, Marion Superior Court, 200 East Washington Street, T1721, Indianapolis, IN 46204-3325; the Hon. David J. Dreyer, Marion Superior Court, 200 East Washington Street, T1441, Indianapolis, IN 46204; the Hon. Steven Eichholtz, Marion Superior Court, 200 East Washington Street, Indianapolis, IN 46204; the Hon. Patricia J. Gifford, Marion Superior Court, 200 East Washington Street, W203, Indianapolis, IN 46204-3336; the Hon. John W. Hammel, Marion Superior Court, 200 East Washington Street, E450, Indianapolis, IN 46204; the Hon. John F. Hanley, Marion Superior Court, 200 East Washington Street, T1420, Indianapolis, IN 46204; the Hon. Grant W. Hawkins, Marion Superior Court, 200 East Washington Street, W305, Indianapolis, IN 46204; the Hon. Reuben B. Hill, Marion Superior Court, 200 East Washington Street, W342, Indianapolis, IN 46204; the Hon. Kenneth H. Johnson, Marion Superior Court, 200 East Washington Street, W443, Indianapolis, IN 46204-3338; the Hon. Michael D. Keele, Marion Superior Court, 1525 Shelby Street, Indianapolis, IN 46203; the Hon. Patrick L. McCarty, Marion Superior Court, 200 East Washington Street, W406, Indianapolis,

IN 46204-3338; the Hon. Gary L. Miller, Marion Superior Court, 200 East Washington Street, W507, Indianapolis, IN 46204-3337; the Hon. Robyn L. Moberly, Marion Superior Court, 200 East Washington Street, T1760, Indianapolis, IN 46204-3341; the Hon. Marilyn Ann Moores, Marion Superior Court, 2451 North Keystone Avenue, Indianapolis, IN 46218-3604; the Hon. William J. Nelson, Marion Superior Court, 200 East Washington Street, E607, Indianapolis, IN 46204-3341; the Hon. Carol J. Orbison, Marion Superior Court, 200 East Washington Street, W407, Indianapolis, IN 46204; the Hon. Becky Pierson-Treacy, Marion Superior Court, 200 East Washington Street, T442, Indianapolis, IN 46204; the Hon. Tanya Walton Pratt, Marion Superior Court, 200 East Washington Street, W202, Indianapolis, IN 46204; the Hon. S.K. Reid, Marion Superior Court, 200 East Washington Street, T1442, Indianapolis, IN 46204; the Hon. Clark Rogers, Marion Superior Court, 200 East Washington Street, G24, Indianapolis, IN 46204; the Hon. Jose Salinas, Marion Superior Court, 200 East Washington Street, Indianapolis, IN 46204; the Hon. David A. Shaheed, Marion Superior Court, 200 East Washington Street, T441, Indianapolis, IN 46204; the Hon. Mark D. Stoner, Marion Superior Court, 200 East Washington Street, W306, Indianapolis, IN 46204; the Hon. Heather Welch, Marion Superior Court, 200 East Washington Street, Indianapolis, IN 46204; the Hon. William E. Young, Marion Superior Court, 200 East Washington Street, G108, Indianapolis, IN 46204-3337; and to the Clerk of the Marion Circuit Court.

The Clerk of the Marion Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 11<sup>th</sup> day of January, 2008.

  
Randall T. Shepard  
Chief Justice of Indiana

**IN THE CIRCUIT AND SUPERIOR  
COURTS OF MARION COUNTY**

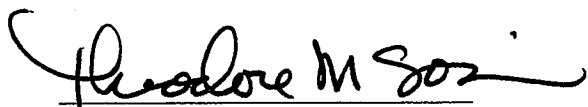
**IN THE MATTER OF THE  
REVISION TO THE CASELOAD  
ALLOCATION PLAN UNDER  
ADMINISTRATIVE RULE 1  
AND A REQUEST FOR APPROVAL OF  
AN EXCEPTION THERETO**

The judges of the trial courts of Marion County, Indiana, hereby request the approval of the attached amendment to the caseload management plan that will ensure an even distribution of judicial workload among all courts of the county, with the exception of the traffic court. Please note that we have included the Circuit Court in the plan, as recommended by the court administrative staff.

As pertains to the traffic court, we respectfully request that this court be exempted from the caseload allocation plan, pursuant to Administrative Rule 1 (3) for the reasons previously provided (see attached).

The courts through the Judge of the Circuit Court and the Executive Committee of the Superior Court will monitor the implementation of this plan and provide for assignment of Judicial Officers as needed to ensure a proper distribution of judicial workload pursuant to Administrative Rule 1.

Respectfully submitted this 7 day of September, 2007.



Theodore M Sosin, Judge  
Marion County Circuit Court



Gerald S. Zore, Presiding Judge  
Marion Superior Court

**IN THE  
INDIANA SUPREME COURT**

**IN THE MATTER OF THE  
REQUEST OF THE MARION SUPERIOR  
COURT FOR APPROVAL OF AN EXCEPTION  
TO THE CASELOAD ALLOCATION PLAN**


The judges of the trial courts of record in Marion County, Indiana, hereby respectfully request that the traffic division of the Marion Superior Court be exempt from the caseload allocation plan being submitted pursuant to Administrative Rule 1 (E).

This request is being submitted pursuant to Administrative Rule 1 (E) (3) wherein the Supreme Court may grant an exception for good cause shown. The rationale for this request is as follows:

1. The Superior Court's Traffic division (F13) is presently located in an entirely separate facility from the other courts within Marion County and accounts for an incredibly large number of filed cases through a Court Violations Bureau (CVB). The CVB is an administrative agency of the Court and Clerk and disposes of traffic tickets without judicial involvement.
2. The adjudication of traffic cases by the Superior Court is handled by one supervising judge and a commissioner. Even though the caseload seems large, the supervising judge states that there is no need for additional judicial officers for the Traffic Division. See letter from the supervising Judge attached to this request.
3. In 2006 the Traffic Court received 2195 new cases and disposed of 6993 cases during that same period, which equates to a clearance rate of 319%. This indicates that the Traffic Division has the appropriate resources despite having a caseload utilization in excess of 200% and thus far outside the accepted 40% variance required by Administrative Rule 1(E).
4. If the Marion Superior Courts were not allowed to exempt from the Caseload Allocation Plan, the Traffic Division, the plan would be required to shift judicial officers from Courts where there is a great need for assistance to a Court that does not need the additional judicial assistance.

Wherefore, the Marion Superior Court respectfully request the Supreme Court to grant this request for an exemption in order that the Caseload Allocation Plan Submitted will be approved.

May 9, 2007

  
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Gerald S. Zore, Presiding Judge  
Marion Superior Court

## LR49-AR1(E)-302 RULES ON CASELOAD ALLOCATION

**A. Purpose.** Caseload allocations shall allow the judges of the Marion Superior Court to make thoughtful, timely, reasonable and just decisions.

**B. Procedure.** The Executive Committee shall at least annually:

1. Review and assess literature on case flow management from any source with a view toward the improvement of the Court's case flow from filing to disposition;
2. Review and consider suggestions made by members of the bar, the public and other interested parties; and
3. Review and analyze the statistics or current workload and case flow within the Court.
  - a. <sup>1</sup>Civil cases shall be assigned in accordance with LR49-TR3-200 Random Filing of Cases. Criminal cases shall be assigned in accordance with LR49-CR2.2-100 Random Assignment and LR49-CR2.3-101 Case Consolidation.
  - b. <sup>2</sup>Allocate Judicial Officer resources where appropriate to keep within the .40 variance.
  - c. Any change involving caseloads, whether it is type of case or number of cases, shall require a majority vote of the Executive Committee and is subject to review under LR49-AR00-200(F)(2).
  - d. In deciding changes, the Executive Committee shall give due weight to the expertise and abilities of each judge, the stress associated with the types of cases and caseloads, and the goal of keeping each judge competent in the various areas of the law. Seniority shall be a consideration, but not the determinant factor for caseload allocation or courtroom assignment.
  - e. As new judges are appointed or elected to the Court, the Executive Committee shall assign them to courtrooms using the same criteria.

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<sup>1</sup> Adopted 12/14/2007

<sup>2</sup> Adopted 12/14/2007

**C. Implementation.** The Clerk of the Court shall maintain systems as required to implement orders of the Court relating to case allocation.

**D. Record Keeping.** All matters of statistics and case flow management shall be collected and maintained by personnel in the Court Services Agency. All judges and their staffs shall be responsible for the collection and preparation of these statistics in a form and manner directed by the Executive Committee.